

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

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| In the Matter of |) | |
| |) | |
| Amendment of Section 11.11(a) of the |) | RM - 10619 |
| Commission's Rules To Permit Use of |) | |
| "Force Tune" Technology by Digital |) | |
| Wireless Cable Systems |) | |
| |) | |

COMMENTS

The Wireless Communications Association International Inc. ("WCA"), by its counsel and in response to the Commission's *Public Notice* released December 18, 2002, hereby submits these comments to reaffirm its support for an amendment to Section 11.11(a) of the Commission's rules that would permit digital wireless cable systems with 5,000 or more subscribers to have the option of delivering Emergency Alert System ("EAS") messages via "force tune" technology in lieu of carrying video and audio **EAS** messages on every programmed channel. For the reasons set forth in WCA's Petition for Rulemaking filed October 31, 2002, the proposed rule amendment is consistent with the spirit and intent of the Commission's EAS rules and is necessary to alleviate the financial burden full compliance with the "all channels" rule imposes on digital wireless cable systems.

WCA wishes to clarify two points raised in its Petition. As discussed in WCA's Petition, the current "all channels" requirement imposes enormous financial burdens on digital wireless cable systems due to the impracticality of inserting **EAS** messages into digital channels taken directly from satellite feeds. That burden applies both to wireless cable systems that are entirely digital or that carry both analog and digital programming. Any amendment of Section 11.11(a)

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to permit "force tune" should specify that *the* "force tune" option will be equally available to both kinds of systems (meaning that a system that is partially digital would not be required to comply with the "all channels" requirement on its digital channels). Second, the amendment should indicate that the "force tune" option will be available where, as in the case of W.A.T.C.H. TV's digital wireless cable system in western Ohio, the "force tune" mechanism is embedded in the subscriber's set-top box (as opposed to the subscriber's television set).¹

WHEREFORE, for the reasons set forth above and in its Petition, WCA requests that the Commission issue a *Notice of Proposed Rulemaking* in the above-captioned matter and amend Section 11.11(a) as requested herein.

Respectfully submitted,

THE WIRELESS COMMUNICATIONS
ASSOCIATION INTERNATIONAL, INC.

By:



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¹ Petition at 4. WCA therefore suggests that the language originally recommended for the proposed amendment (*see* Petition at 7 n. 11) be corrected to read as follows: "Digital wireless cable systems (including systems that transmit in both the analog and digital modes, or entirely in the digital mode) may comply with this requirement by using a 'forcetune' mechanism which automatically tunes the viewer to a predesignated channel which carries the required audio and video EAS messages."